

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

REYNALDO AYALA,

Plaintiff,

No. C 10-00979 JSW

v.

ROBERT AYERS, JR, ET AL.,

ORDERDefendants.

/

The has received the motion for appointment of counsel for witness and motion to quash and to postpone deposition for capital prisoner-witness Paul Tuilaepa. The motion references eight other capital prisoner-witnesses who have similarly been noticed for deposition by the Attorney General of California. The depositions are currently scheduled at San Quentin State Prison at 8:30 a.m. on December 10, 2012. There is no confirmation in the record that the Attorney General has complied with Federal Rule of Civil Procedure 30(a)(2)(B) which requires leave of court for a deposition to be conducted where the deponent is confined to prison. Accordingly, the motion is GRANTED and the depositions shall not proceed on December 10, 2012.

The Court requires that the Attorney General demonstrate compliance with Federal Rule of Civil Procedure 30(a)(2)(B) and re-notice the depositions to a later date. This delay will enable orderly appointment of counsel to represent the capital prisoner-witnesses in this matter.

IT IS SO ORDERED.

Dated: December 7, 2012



JEFFREY P. WHITE
UNITED STATES DISTRICT JUDGE